IN THE COURT OF ADDITIONAL SESSIONS JUDGE, GONDIA.

S.T. No.21/2026.
[CNR NO.MHGO010002142026]

ORDER BELOW EXH.03.
(Passed on this 31st March, 2026)

1. Present application is filed by applicant/accused by name **Kamlesh @ Kamal Hemraj Gedam** under Section 483 of B.N.S.S to release him on bail in Crime No.962/2025 registered with Police Station, Tiroda for offence punishable under Sections 103(1), 118(1), 352, 351(2) of BNS.

Brief facts of the case are as under:

2. On 11-10-2025 at about 16.30 hours to 17.00 hours at Satona, Tah. Tiroda father of informant namely Ishulal Dulichand Bisen was sitting on the platform near Zila Parishad School. At that time applicant approached to the father of informant and told him “tu mala otyawar basun shivigal kashala detosh. On that father of informant told him he is not abusing him. On that applicant abused him, slapped and gave fist blows. Applicant also assaulted below the left eye and head of father of informant by means of steel bracelet (Kada). Due to that father of informant sustained bleeding injury. Applicant dropped him in his house and threatened to see him. Initially father of informant was taken to Sub-District Hospital, Tiroda and from there he was referred to KTS

hospital, Gondia. Then he was referred to AIMS at Nagpur. Meanwhile informant lodged report with police station Tiroda. On the basis of his report offence under sections 118, 352, 351(2) of BNS has been registered vide Crime No.962/2025 with police station Tiroda. During investigation applicant was arrested and at his instance steel bracelet was recovered and his clothes were also seized. On 13-10-2025 at 6.41 am father of informant died and offence under section 103 (1) of BNS has been added. After completion of investigation complicity of applicant revealed in the said crime so charge-sheet has been filed against him in the court.

3. Applicant submits that he is innocent. He is falsely involved in the case. He has not taken any part in commission of offence. Moreso charge-sheet is filed. Thus, investigation is over and there is no need of applicant for custodial interrogation. He is only bread earner of the family and his family members are dependent upon him. Applicant is ready to abide any condition which will be imposed by this court. Therefore, he requested for his release on bail.

4. I.O filed say vide Exh.6 and opposed application on the ground that offence is serious. In case of release of applicant on bail there is danger to the life of informant and his family members and there is possibility that applicant would pressurize witnesses and induce them to dissuade from giving evidence. In case of release of applicant on bail he will threaten panchas and will disturb public peace in village.

Therefore, requested to reject bail application.

5. Learned DGP filed say vide Exh.07 and opposed application on the ground that applicant inflicted injuries by means of Bangle on the head and below the eye of deceased. Therefore, deceased died while taking treatment. There is ample evidence against the applicant and the weapon is seized at the instance of applicant. There are eye-witnesses. In case of release of applicant on bail there is possibility of threatening witnesses and tampering evidence. Therefore, requested to reject bail application.

6. Perused record and proceeding of present case. Heard Ld. Advocate for applicant and Ld. APP Shri Chute.

7. It is to be noted that in present case charge is already framed against applicant. Thus, prima-facie there is sufficient material to proceed against applicant. There are eye-witnesses who attributed active role to applicant in commission of offence. Out of them one is child witness. Even those witnesses have supported prosecution in their statement under section 183 of BNSS. From P.M report it is clear the death of Ishulal Bisen is caused due to head injury which consistent with the prosecution case. Recovery of steel bracelet has been made at the instance of applicant. Even his clothes which he allegedly wore at the time of incident were recovered. Learned Advocate for applicant submits that no blood stains are found either on bracelet or clothes. It is to be noted that those articles have been forwarded to C.A Nagpur

for analysis and result would show whether same contain traces of blood or not. Learned Advocate for applicant submits that informant in report has claimed himself as an eye-witness but in the MLC history is shown that unknown person has assaulted deceased Ishulal. I would like to mention that informant in his statement to police dated 15-10-2025 shows that he came to know about the incident through Lakhan Rahangdale, Kunal Patle and Anil Bisen. So much cannot be made from the history given at the time of initial medical examination of deceased Ishulal. Certain discrepancies are pointed out by learned advocate for applicant during the course of argument. I would like to mention that while considering bail application mini trial cannot be held. Prima-facie there is ample evidence to show complicity of applicant in commission of said crime. Offence is grave and serious. Applicant and accused are resident of same locality. Now charge is already framed. At a such crucial stage when evidence is going through commence then possibility of obstruction in smooth trial cannot be ruled out in case of release of applicant on bail. In the facts of matter applicant has not made out case for grant of bail. Hence, this order.

O R D E R

Application [Exh.3] stands rejected and accordingly disposed of.

DISTRICT COURTS MAHARASHTRA
सत्यमेव जयते
Digitally signed by MOHAMMAD TANVIR ASIM MOHD IQBAL AHMAD
Date: 2026.03.31 14:58:49 +0530

(M. T. Asim)
Additional Sessions Judge,
Gondia.

Date: 31-03-2026.